IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :6223 of 2006

Dated:26th April 2007.

Between:

Magapu Ravi Kiran S/o M.S.S. Papa Rao, R/o H.No.37-10-127/2, Ayyappanagar, Visakhapatnam and others.

..... PETITIONERS

AND

The A.P. Public Service Commission, rep. By its Secretary, Gruhakalpa, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

W.P.NO.6223 OF 2006

ORAL ORDER:
(Per the Hon'ble Sri Justice J.Chelameswar)

In an order dated 25-11-2006, we noted the objection of the State to provide for the benefit of reservation envisaged under the Persons with Disabilities (Equal Opportunities, protection of rights and full participation) Act, 1995 (for short 'the Act'), to the Group-I posts in the Home Department, and we also noted that whether such an objection is rational or not is a matter to be examined. By an earlier order dated 27-02-2006, we directed the State to constitute a Committee as envisaged under Section 13 of the Act, which under the scheme of the Act, is the appropriate body to guide the State and facilitate continuous evaluation of a comprehensive policy towards solving the problems faced by the persons with disabilities as mandated by the Parliament. The State took its own time for constituting the said Committee. In view of the heavy resistance by the Home Department in extending the benefit of the said Act to the personnel in the Police Department and Department of Fire Services, we opine that it would be appropriate for the abovementioned Committee to examine the full details and implications for extending or not extending the benefits under the abovementioned Act

in the matter of recruitment of personnel in the abovementioned two departments.

Though the Committee is constituted, the Committee so far has not taken any decision in this regard and we are informed by the State and also by the Advocate-members of the said Committee that the issue is deferred by the Committee in its last meeting held on 26-02-2006. In the circumstances, the only inference we can draw is that the respondents have no interest in extending the benefits under the abovementioned Act, to the disabled insofar as the posts in the abovementioned two departments. Obviously, the respondents ignored the urgency of the matter and also the fact that it is a taken-up writ petition specifically in the context of recruitment to the Group-I posts. The recruitment process, though commenced quite a few years back, the respondents could not give any valid reason before the Court for excluding the operation of the Act insofar as the recruitment to the abovementioned two departments are concerned.

We do understand the difficulty in employing persons with disability either orthopedic or visual either in the Police Services or in the Fire Services. However, we are not able to perceive any difficulty in extending the said benefit insofar as hearing-impaired category is concerned, nor does the state place any material on record to dispel our opinion with reference to the hearing impaired category.

In these circumstances, we declare that the respondents are bound to provide reservation in accordance with the terms of the abovementioned Act even while recruiting personnel to the Fire and Police Services for the eligible candidates of hearing impaired category.

With the above directions, we deem it appropriate to dispose of the writ petition.

The writ petition is, therefore, disposed of accordingly.

J.Chelameswar, J

D.Appa Rao, J

April 2007
mrk